

A Meeting of the Meridian City Council was called to order at 6:15 p.m., Tuesday, February 16, 2021, by Mayor Robert Simison.

Members Present: Robert Simison, Joe Borton, Luke Cavener, Treg Bernt, Brad Hoaglund and Liz Strader.

Members Absent: Jessica Perreault.

Also present: Chris Johnson, Bill Nary, Alan Teifenbach, Mark Ford, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Liz Strader	<input checked="" type="checkbox"/> Joe Borton
<input checked="" type="checkbox"/> Brad Hoaglund	<input checked="" type="checkbox"/> Treg Bernt
<input type="checkbox"/> Jessica Perreault	<input checked="" type="checkbox"/> Luke Cavener
<input checked="" type="checkbox"/> Mayor Robert E. Simison	

Simison: All right. Council, we will call this meeting to order. For the record it is 6:15 on Tuesday, February 16th. We will begin tonight's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

Simison: Next item is the Pledge of Allegiance. So, if you would all rise and join us in the pledge.

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Next item is our community invocation, which will be delivered by Troy Drake of Calvary Chapel Meridian. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection. Pastor Drake.

Drake: Mr. Mayor, Council Members. Lord God, thank you so much for this place that we get to live in and it's a free city and a free state and a free country. We appreciate all those who went before us to make it so. It's a great sacrifice for many to enjoy what we have. So, we thank you, God, for those who protect us, whether it's the firefighters, police officers, anybody that responds to things to keep us out of harm's way, we appreciate them and ask for safety for our city tonight. Also, Lord, we are thinking about those who may be ill or fearful of being ill, God, we just pray that you would protect our city, the -- the citizens from -- from, you know, just any more of sweeping illness here and -- and, you know, the people who need help would -- would find it. Lord, we are also just praying

for unity in our community and, Lord, it's divisive times and I just pray that we would desire in our community unity amongst us, even in our expression of disagreement in many things, Lord. Ultimately, God, I just pray that people would put their hope in you and that you would rule in peace over -- over this city. So, thank you so much for that. And, lastly, Lord, I just want to pray for our Mayor and, you know, what he's -- his vision and what he's trying to do and the Council Members, those who work hard for us in this building and we just appreciate them, God, and I pray that you would give them a lot of wisdom and that you would help them in the decision making of the business affairs of the city. And so, God, again, we just appreciate you and appreciate this time that we can gather here, in Jesus' name, amen. Thank you for the opportunity.

ADOPTION OF AGENDA

Simison: Good night. Council, next item up is the adoption of our agenda.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move adoption of the agenda as presented.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Second the motion.

Simison: I have a motion and a second to adopt the agenda as published. Is there any discussion on the motion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it. The motion is agreed to and the -- and the agenda is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PUBLIC FORUM – Future Meeting Topics

Simison: Mr. Clerk, do we have anyone signed up under public forum?

Johnson: Mr. Mayor, we did not.

ACTION ITEMS

- 1. Public Hearing for Mark Enos Annexation (H-2020-0119) by Mark Enos, Located at 2972 E. Leslie Dr.**
 - A. Request: Annexation of 1.05 acres of land with the R-2 zoning district.

Simison: Okay. Then with that we will move on to Action Items. Our first item is a public hearing for H-2020-0119. I will open this public hearing with staff comments and turn it over to Alan.

Tiefenbach: Good evening, Mayor, Members of the Council. Alan Tiefenbach, associate planner, with the City of Meridian. So, this is an annexation and zoning. The site consists -- consists of about an acre of land. It's zoned R-1 in unincorporated Ada county. It's located at 2972 East Leslie, which is south and west of the East Ustick, North Eagle Road intersection. The adjacent land use. The property is bordered by the city limits on two sides. To the north is R-15. To the east is R-2. Unincorporated Ada county is to the west. The Comprehensive Plan recommends this for a low density residential. This is a proposal to annex and rezone one acre of property to R-1 to obtain city services. The property is in unincorporated Ada county and it's served by individual well and septic. The applicant states -- the applicant desires to construct a detached accessory building for an approximately 1,750 square foot shop, RV garage, and upstairs living area. The applicant's been unable to obtain a new septic permit from the city due to the location and limitations of the existing system to accommodate an additional bathroom. They want to have a living area above. The applicant has determined it would be cheaper to annex into the city and connect to city water and sewer rather than upgrade the septic system. If the applicant chooses to use the upstairs living area as a secondary dwelling unit, it's subject to specific use requirements. This includes the living area being less than 700 square feet, at least one additional parking space required, and the property must be occupied by the property owner at least six months out of the year. The Comprehensive Plan is supportive of these types of accessory dwelling units. There are recommendations to support the construction of these and to increase the diversity of housing options. This annexation and zoning went to the Planning Commission at the January 21st hearing. There was no discussion and they unanimously recommended approval. Very simple annexation and rezoning and with that, Council, I will stand for questions.

Simison: Thank you, Alan. Council, any questions? Okay. With that is the applicant with us?

Enos: Yes, I'm here. This is Mark Enos.

Simison: Mr. Enos, you are recognized for 15 minutes.

Enos: Okay. Yeah. I don't -- I don't think I have anything to add, unless there is questions.

Simison: Okay. Perfect. Council, any questions for the applicant? Okay. This is a public hearing. Is there anybody who signed up to testify on this item, Mr. Clerk?

Johnson: Mr. Mayor, nobody -- nobody signed up in advance. There are three people online, however.

Simison: Okay. If there is anybody that would like to provide testimony on this item,

please, use the raise your hand feature on the Zoom call at the bottom and we can bring you in or if there is anyone present and -- that would like to provide testimony. I am seeing no one come to the podium and no one raise their hand. I will give the applicant, if they would like to make any additional final comments that have come up within the last minute.

Enos: Not -- not at this time.

Simison: Okay. Then, with that, Council, do I have a motion or discussion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move to close the public hearing on Item 1, H-2020-0119.

Hoaglun: Mr. Mayor, I second the motion.

Simison: I have a motion and a second to close the public hearing. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Planning and Zoning Commission did a good job of reviewing through this. The couple questions I had were addressed in the Planning and Zoning hearing. So, with that I move we approve Item 1, H-2020-0119 as presented.

Hoaglun: Second the motion, Mr. Mayor.

Simison: I have a motion and a second. Is there any discussion on the motion? If not, Clerk will call the roll.

Roll call: Bernt, yea; Borton, yea; Cavener, yea; Hoaglun, yea; Strader, yea; Perreault, absent.

Simison: All ayes. Motion carries and the item is agreed to. Thank you very much, Alan, for being here and Mr. Enos. Have a good evening.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

ORDINANCES [Action Item]

2. Ordinance No. 21-1916: An Ordinance Adding a New Section to Meridian City Code, Section 7-2-2(B)(8), Regarding Prohibited Parking in Front of Mailboxes; Adopting a Savings Clause; and Providing an Effective Date

Simison: Next up is ordinances. The first item up is a first reading of Ordinance No. 20-1916. Not used to ordinances where we have someone come up and speak. Do we need to have it read by title first or --

Nary: Mr. Mayor, Members of the Council, we could certainly read the title for the first reading. I think Lacy wanted to simply explain where these came from and why they are in front of you. Normally we would have had this conversation ahead of time, but the police direction was to simply get it scheduled. So, I think Lacy just wanted to explain it. But certainly reading the title first is fine.

Simison: Okay. We will ask the clerk to read his ordinance by title.

Johnson: Thank you, Mr. Mayor. It's Ordinance No. 21-1916, an ordinance adding a new section to the Meridian City Code, Section 7-2-2(B)(8) regarding prohibited parking in front of mailboxes. Adopting a savings clause and providing an effective date.

Simison: Okay. You have heard this ordinance read by title. Is there anybody that would like it read in its entirety or any explanation of the ordinance?

Strader: Mr. Mayor?

Simison: Yes, Council Woman Strader.

Strader: Sorry, I didn't need the whole thing to be recited. I did just have a couple of questions about it.

Simison: Would you like -- you are not there yet. We do have Lacy here to provide some details. Would you like our her explain it first?

Strader: Sure. Sure.

Simison: Okay. Go ahead.

Ooi: Good evening, Mr. Mayor, Council Members. I'm here to discuss adding this new ordinance. Due to the pandemic this addition to the parking regulations has been suggested due to the increase of essential packages, including medications through the USPS service, for the groups more at risk, have been asked to give us the ability to restrict and enforce people parking in front of mailboxes to assure delivery in a timely manner of these essential packages.

Simison: Okay. Council Woman Strader, does that help answer any questions you have?

Strader: Kind of, but I actually did sort of want to follow up with a question.

Simison: Mr. Nary, is this really appropriate or should we bring this back next week for a staff report. I'm just not used to having conversation in the ordinance section of our agenda. So, I'm learning here.

Nary: Mr. Mayor, Members of the Council, I recognize this is a little unusual. I wasn't aware today that they had never -- I knew they hadn't presented anything. I didn't realize they had never presented anything to the Council prior. It is perfectly appropriate, because this is an action item. So, for the conversation -- the reason we -- I asked Chris to add this as a first reading only is so that we would have the ability to have the conversation --

Simison: Okay.

Nary: -- and, then, you can set up a second and third reading next week.

Simison: All right. I just wanted to make sure we were doing this in appropriate fashion. This was I think a Council request as part of this conversation anyway. So, go ahead, Council Woman Strader.

Strader: Okay. Thank you. I guess I wanted to understand the magic of the ten feet of the mailbox and I started thinking if we are in a more densely populated area with a lot of mailboxes and the homes are close together, if it's ten feet each direction out from the mailbox, are we creating a situation potentially where we are going to have a lot of parking challenges. Just wanted to understand how -- the interplay between the request and what it actually might sort of mean for our parking.

Ooi: I think it's just the size of the vehicle. We did ask the U.S. Post Office if they had a standard recommendation. We looked at some other codes and that's what has mostly been adopted to give enough room for them to turn in and out of the mailbox. A lot of the higher density areas are going to have community boxes where the people are already moving to one area and it wouldn't -- it wouldn't be each individual house. For residential areas that are streetside I don't see that being a problem. There could be a problem in courts and that's the reason that we added regulations of hours and allowing Sundays and federal holidays not to be regulated.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm not sure if it's appropriate, but just for the discussion I guess. I struggle a little bit with approving a change to an ordinance without feeling like the need is truly there that it's not temporary from COVID and -- and that this makes sense from a community development parking standpoint I guess is just where I'm at and I apologize if we wouldn't normally have a discussion during the ordinance. I'm not trying to upset the applecart, I

just -- it -- I just -- I don't know. I'm not -- so, I'm not there on this ordinance. That's just where I'm at right now.

Simison: Okay. Thank you. I will be honest with you, I thought this was already a law. Anywhere I have ever lived you are supposed to leave ten feet parking away from your mailbox to begin with. So, I was -- I was surprised when I found it wasn't even an ordinance in our city -- or in our community.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I like you thought this was already part of the law in Meridian. But I guess my question is -- you touched on these kind of community areas where everybody's mailboxes are located and I used to live in a community that had that, but the parking stalls are -- are right in front of them and so I hear a lot from -- from code enforcement about challenges around enforcement and so I worry about what type of challenges this makes for enforcement and, then, two, do we inadvertently create violators of people that are parking in front of their mailbox to pick up their mail and -- and how you as code enforcement will be able to rectify that, because my assumption is if I'm parking in front of these community mailboxes I'm immediately violating code, but that's the location that has been set aside for me to pick up my mail. So, any insight you can provide in terms of enforcement around that would be helpful.

Ooi: The community boxes are drop boxes from the back, so the mail carrier actually has to get out and deliver from the backside of those anyway. I -- so, I think that maybe there would need to be an exemption in place if it -- we wanted to look into it being more in depth to exclude those from enforcement. The second part of that question being --

Cavener: Enforcement of -- sorry, Mr. Mayor. Talk us through concerns about enforcement. Again, if I -- if I work for the post office and somebody is parked in front of the mailbox I assume I have got to call and does the postal worker, then, have to wait for code enforcement to show up and does that deter, then, people actually calling in violators and what your response would be to those types of calls.

Ooi: I think it's most similar to parking in front of a driveway. So, our driveway ordinance doesn't allow for someone to park in front of their own driveway either, but we don't go seeking those. We wouldn't recognize them. I think that it would be something that would be an education based warning system. We probably wouldn't stop unless we received a complaint. We do and have for years received complaints for people parking in front of mailboxes and at this point our only enforcement is to mark them for a 72 hour violation and, then, return three days later to see if the vehicle is still there. So, I think that it would just be one of those codes that we would respond to when we received the complaints, that it was in front of someone's mailbox is not their own. Most of the ones that are residential do share with a neighbor. So, hypothetically, if you are parking in front of your mailbox you are preventing, yeah, the delivery of your neighbor's packages.

Simison: Council, any further questions or comments at this point in time?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Strader: I guess a procedural question for Mr. Nary. If Council goes through with the first reading and it gets scheduled for a second and third combined, does that automatically trigger a public hearing along with that or is that something Council can request?

Nary: Mr. Mayor, Members of the Council, so a public hearing is never required. It's generally a request or a practice. So, if the Council would like to have that scheduled for public hearing what I would suggest is we only set it for a second reading and have the public hearing. So, there is an opportunity for change as desired. But certainly if that's the Council's request we can do that.

Cavener: Thank you.

Simison: Council, any further questions or comments?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: This was something that I was supportive of and had raised and it was -- it's -- at its simplest most narrow focus was the senior citizens not getting medicines. I -- I have heard those calls and complaints and that's -- that's who is going to be calling and if they are denied their ability to get some medical care by mail -- that was probably the most pointed example where you would have someone calling right away. So, that's -- that's the origin of -- of what this is trying to remedy. I'm sure if it goes forward at some point and we proceed we will have data on educational opportunities to those that might violate versus citations versus who is complaining and it very well could be refined as it proceeds down the road after its application. But that was the pointed focus of it, which I thought was something that could be acted on relatively quick.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. I like the fact that there are exceptions to this, not on a Sunday or federal holiday. If it's Sunday afternoon and someone's having a birthday party in the neighborhood and the cars are lined up, it's not a violation, there is no -- nothing -- no enforcement action will be taken. But yet if it's during Monday through Saturday, 8:00 to 5:00, someone has somebody legitimately blocking their postal box, they can -- they can call and seek rectification of that. So, you know, with -- within limitations I can certainly understand the need to -- to have that open and available, especially as Councilman

Borton pointed out, there is some very serious ramifications for -- for some if it's not delivered properly and on time. So, yeah, I'm a little more open to these -- these changes.

Ooi: Can I readdress?

Simison: Go ahead.

Ooi: If we had the code on the books it would give us the ability to go knock on a door and ask someone to move their car. If this isn't a regulation we can't ask that courtesy of someone at this point. So, just like blocking a driveway, it's not in our best interest to call in a tow truck and move a car if we can get ahold of someone. But at this point we don't have the ability or we are just arbitrarily asking for courtesy. So, it does give us that ability just to remedy the issue without necessarily issuing a citation, but to have the situation fixed.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: For the most part I think that this ordinance makes sense. I think that if -- if it's a community mailbox area, like the code enforcement officer mentioned, you know, they can get to those mailboxes through the back side. So, I don't know if it's necessarily going to be a huge issue there. But if it is the pleasure of the Council to have further conversation and discussion in a public hearing setting, the Mayor and I can discuss that a little bit. That would be --

Simison: Council, anything further at this time?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: With that it would just stay on for a second read next week?

Simison: I would assume a second reading and we will discuss what else -- I was getting -- you know, it seems like we are going a little out of order, so I just want to -- I don't want to commit, I want to work with the Legal Department on how this would -- should move forward appropriately if we are going to have public input and a process in a way that makes sense.

Nary: So, Mr. Mayor, we can tentatively schedule it for a second reading for next week, but we probably need to see -- making sure that we can provide adequate public notice to be able to -- to comment. So, it might need to get bumped a week. But let us -- we can explore that in the morning. So, we could tentatively set it for a second reading next week and if there is issues throughout notice, we can bump it one more week after that to a second reading on the first meeting in March.

3. Ordinance No. 21-1917: Repealing and Replacing Meridian City Code Section 4-2-1, Regarding Definitions Related to Nuisances; Amending Meridian City Code Section 4-2-2(c), Regarding Trees in Public Right-of-Way; Amending Meridian City Code Section 4-2-3(d)(2), Regarding Abatement of Nuisance Trees; Adopting a Savings Clause; and Providing an Effective Date

Simison: Okay. All right. Thank you very much. So, yes, up next is the first reading of Ordinance No. 21-1917. I will ask the clerk to read this ordinance -- just reading by title.

Johnson: Thank you, Mr. Mayor. This is an ordinance repealing and replacing Meridian City Code Section 4-2-1 regarding definitions related to nuisances; amending Meridian City Code Section -- Section 4-2-2(c) regarding trees in public right of way; amending Meridian Code -- Meridian City Code Section 4-2-3(d)(2) regarding abatement of nuisance trees; adopting a savings clause and providing an effective date.

Simison: Okay. Council and public, you have heard this read by title. Is there anyone that would like this read its entirety? Or would anyone like to make any information available about this ordinance. Lacy.

Ooi: Mr. Mayor. Lacy Ooi, Meridian Police Department. The adopted proposed changes were suggested to us by the Ada county courts, requesting a definition for what we currently listed as a dismantled vehicle. We didn't have a definition. Looking into what we currently had on the books we currently call what we intend to be a dismantled vehicle a junked vehicle. So, this would just be a change of definition title, changing a junked vehicle into a dismantled vehicle, leaving it to be better clarified and less subjective when we stand in court. The other section was that during the proposed change of previous nuisance code numbers were taken out of the system and they would just be adding those numbers back into the sections.

Simison: Okay. Council, any questions or comments?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I don't know if it's a question, but just some comments. I have got some concerns with what's proposed here. We are looking at 4-2-1(a). Number two. To me the fact that we are talking to somebody who's missing a windshield wiper as a dismantled vehicle -- I really worry about just the precedent that we set. Not to think that code enforcement is going around being the windshield wiper police, but I just -- I'm always one that is really sensitive to the heavy hand of government and worry about really a lot that's included in lines one and two and even line three, I just -- I see scenarios where people purchase a vehicle with the intention of facilitating repairs or reconditioning or getting an antique vehicle of some kind and what we see is that neighbor wars -- you guys get pulled into those and you become the referee and it becomes tit for tat and I just -- I

see this open a lot of doors for somebody who is mad at their neighbor to get you all involved. Specifically also on line two you talk about trying to avoid things that are arbitrary. Again, I don't know what an adequate fender is versus an inadequate fender and how you would enforce that. Number B, again, graffiti, reading that, if I have got a sketching in concrete of when we moved into our home I assume I would be in violation. If in the tree out in front of my house I wrote LC plus AC with a heart around it I would be in violation. I know that's not the intent behind that, but as -- as read those are some real concerns. So, I -- I'm just -- I'm letting you know at this particular point this isn't something that I'm going to be supportive of and so I don't know how we can achieve what you or what the clerks are wanting to achieve without overly burdening our residents with -- as a code.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, this is the current ordinance that's already on the books. So, if the question is you want us to repeal it entirely, that's your only option. All this is doing is changing from junk to dismantled and part of the rationale is when the courts were concerned -- I won't speak for code enforcement, but I know there are issues sometimes that people don't think it's junk, because they are going to repair it or they are going to restore it, but the neighbors are complaining, because it's parked in the street and so that's the part of the problem we are trying to remedy. So, I don't think we have gotten calls from people that have a lawfully parked vehicle on their property that doesn't have windscreen wipers on it. It's usually parts of cars that are laying all over the place and many times in the street. So, that's I think most of the calls. I mean I know some of them are on private property, but they are in an area where it requires they be stored behind a fence and not in the driveway.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Nary, I mean you know my feelings again about some of our overhanded code around vehicles parked on their own property. If a vehicle is inoperable and parked on a street that's handled within 72 hours. I -- personally I don't think anybody would say if my truck -- and I learned this this week when it snowed. My pickup truck was missing a windshield wiper. I do not classify that as a dismantled vehicle. I don't think anybody would classify it as a dismantled vehicle, but if approved we would classify a dismantled vehicle as a vehicle that is missing a windshield wiper and if that means that we need to repeal and start fresh, I'm supportive of that. Quite frankly, I think that is a good conversation for our Council to have.

Simison: Council, just for the record -- and I apologize that neither the Council President nor I were present for the agenda last week. I won't allow future ordinances to come before you unless there has at least been a department report, so we can have a

conversation. I'm not going to say they are showing up on the same agenda, I don't like doing this conversation in the ordinance section. Quite frankly, when we get to this point in time it should be perfunctory, not discussionary. So, Mr. Nary, if you can help make sure we do that in the future.

Nary: Absolutely.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Is Lacy going to address the other sections about trees in a public right of way and nuisance?

Ooi: No.

Hoaglun: Because I have a question about that one.

Nary: I think Matt Perkins is on for that.

Simison: Yeah. We have Matthew Perkins, who is our city arborist, who is online, that can -- if you have a question go ahead and --

Perkins: Mr. Mayor and Council Members, thank you for -- for having me. I'm happy to be here to discuss this matter. So, my main concern with the way that the ordinance was previously written was that the -- the adjacent property owners are responsible for maintaining and in all the care of trees within the public right of way at their residences. That's -- that is fine. I have no intention of trying to -- to take that over. My concern is purely from a safety aspect, because to me as the city arborist I'm supposed to be here as a resource for the public to help them understand how to correctly care for those trees that are an asset to the public. It would be very easy for anyone to go out to a public property tree and administer a hack job to the tree, which would, then, render the tree into a hazardous condition that would be a safety problem for any -- anybody in the public. So, my interest would just be in trying to help educate -- be here as the city arborist as -- as a community resource to help people understand how to better care for those trees in a manner that won't cause any public safety issues. I will stand for questions.

Simison: Mr. Hoaglun.

Hoaglun: Mr. Mayor. Yeah. Thank you for that, Matthew. I was just curious -- just needed more understanding of this. So, if you have a tree that's in the public right of way -- and I'm thinking of a subdivision that has common areas and whatnot and sometimes those trees get grown and they have got branches coming into somebody's yard, do they need the -- do they need to talk to you -- your office before trimming any of those branches that are hanging into their yard?

Perkins: No, not necessarily. So, my objective is not to, you know, interject into every single case of a tree being pruned. This all kind of stemmed from actually the nuisance tree code, which is written, where, you know, like you said, if a -- if a neighbor has a tree that's on a -- on the public property and it's causing a problem and say code enforcement gets called out to -- to address the situation and the code enforcement officers may not have the expertise to determine whether or not a tree is posing a hazard or not. So, in that case they call me and I come out and I look at the situation and I act as an interpreter, basically, to help them understand what the corrective action should be in that case. But it's not just for -- you know, for every little -- little dinky pruning job, it's -- it's mainly just to prevent -- worst case scenario what -- what I dream about is say you are driving to City Hall in the morning and you are coming down Main Street, many of those trees on Main Street are considered actually, you know, right of way trees and so the responsibility for pruning those trees -- especially north of Carlton of the post office there, big trees that over -- you know, overshadow the street and create a corridor that I would just hate to be driving to work in the morning and all of a sudden see those trees hat racked and that -- that's -- that's the main thing that -- that I'm concerned about.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just to follow up. Matthew, it sounds like that Section E is really the controlling part for all of this. Obstructs the free passage of pedestrian-vehicle traffic. Fails to provide vertical clearance of eight feet, 14 feet over street, those types of things. That are listed there that really are -- make it a nuisance tree. So, somebody -- a tree in -- in a common area hanging into a neighborhood -- into a neighbor -- into their yard is not going to trigger any -- any issue with -- with that, since it's not a nuisance tree. It's a nuisance to them, but it won't impact the health of the tree, it's just trimming some branches to keep it out of their yard.

Perkins: The ordinance already calls out that, you know, it's unlawful to -- to mutilate or improperly, you know, prune or cause damage to a tree or to put chemicals on it or whatnot. So, yeah, this is purely just -- just to kind of create symmetry between my -- my job as the city arborist as it's -- as it's listed in the ordinance and the nuisance code.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Matthew, a question about how -- how does the public know if they have a tree that's in the public right of way? I think that our citizens -- vast majority will do the right thing, but I could see, again, somebody not knowing that. So, how are -- how is the public informed? How do they know if they have got a tree that's in the right of way?

Perkins: That's a great question. It really is. And I have actually been working on an urban forest management plan that will be proposed for acceptance at least through

Steve Siddoway, the director, and -- and I'm trying to lay out all of these -- all of these options where my -- one of my main roles and duties as the city arborist is to work on education and community outreach and whatnot. So, my -- my objective is to continue on with community education classes and volunteer projects that involve the public to come in and put me in a position where I can educate them on -- on these instances. So, I'm also hoping to beef up our website, so to speak, so that there is a little bit more information there regarding -- regarding the -- the trees here in Meridian.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Matthew, I guess a two parter. Part one, when would that plan that you just referenced is anticipated to be completed. And I guess part two is how many trees, approximate, are private trees that exist within a public right of way in Meridian.

Perkins: That's an excellent question. So, I have only just completed the very first draft version of the -- of the plan and it has not been determined whether or not it is going to be something that will, you know, maybe just be an internal document or if it's actually going to be something that will be presented to -- to Council for -- for approval. To your second question, currently the City of Meridian as the -- as the code is written, we maintain all of the trees within our city parks and within our city owned properties, like police stations, fire stations and community centers and home -- home -- HomeCourt and City Hall and a section of the entry corridor there called -- oh, I forget it's technical name right now off the top of my head. But basically from Main Street to Carlton from -- from the railroad tracks and, then, also you skip down and, then, all of those trees in front of the Meridian Speedway in that entry corridor there, so -- so, the -- the inventory program that I have that I have been managing all our trees with, I currently am responsible for managing 5,200 trees, approximately, and those are just the trees that the city is responsible for. That does not count all of the right of way trees throughout the rest of the city or any public property trees at all whatsoever.

Cavener: Mr. Mayor?

Simison: I guess the answer is we don't know how many.

Cavener: Kind of -- kind of what I was figuring. Okay. That could be overly burdensome if -- if it's a -- if every citizen is following the law and all decided after a big windstorm they have got to do some pruning, I can see that be a heavy burden on the department if all of those homeowners are now contacting Matthew all at the same time. We don't know how many that are going to be impacted. So, maybe a conversation for another day.

Perkins: Yeah. An emergency response plan is going to be part of that urban forest management plan that I'm working on. Currently as the ordinance states that that responsibility for maintaining those trees in public right of way are -- is up to the adjacent property owner. ACHD technically that right of way is theirs, but I believe their ordinance

says -- states the same thing. Again, like I said, my main concern is just from a safety point of view, because, you know, I would like to prevent trees from becoming pruned in such a manner that would, then, actually make them become a hazard to the public.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Quick question. Maybe a silly question. I don't know. But -- so like if there is that weird -- I only know it is like a hellstrip, which is kind of inappropriate. We call it. There is this strip of land in between like this, you know, the sidewalk and the road -- I actually had a tree die in that area in front of my house and, then, I ended up cutting part of it and -- and so would that be a public tree? Like would I have needed to call you to get advice or -- how far does this go?

Perkins: Yeah. That's a good question. You know, this -- I could see how this could be a bit of a can of worms that we have opened up here. But as the ordinance is written now that tree would be fully your responsibility to -- to prune and/or remove, so -- yeah. But would you have to get permission to remove a dead tree? Not necessarily. But it would probably be in the public's best interest -- I mean for me -- and so I mean refer to -- say Boise has a -- has a similar ordinance, only theirs is much more broad reaching. Nampa has actually adopted an ordinance where their city arborist does do a lot of that outreach and you have to get permission from the city arborist to -- to do anything to any of those public -- public owned trees and I could see how that would definitely be burdensome to a one man show such as myself. But, like I said, it's not my intent to try and interject on every single case and mainly this stemmed from my fear of having any of our large mature trees, you know, within our downtown corridor or -- or any of those trees pruned, you know, in such a manner that would actually end up, you know, causing the trees to become a hazard or have to be removed without any real good intent, so --

Simison: So, Mr. Nary, just -- since this -- we are not in the same sort of Robert's Rules that I'm used to to divide the question, but I do feel like we have ventured into single -- you know, we have expanded beyond the scope of the state legislature single issue items and I don't know if we should bifurcate these two topics, if there is more discussion needed -- even more information on the trees versus the -- the issues related to the definitions. So, I kind of want to throw that out to Council where you -- where we are right now on this issue. If this is something that we should separate out and have greater discussion and information presentation on these various issues. I would love to get Council's -- because I'm not getting a clear sense of what we all need to have and this could -- I see this rabbit hole going on all night.

Nary: Mr. Mayor, Emily's on the call as well and she's the one that crafted the ordinance, so she has the context. But it may be best that we pull back this ordinance entirely and have a conversation and, then, decide at that point are we -- because it's all one code. We are here just fixing all the same code.

Simison: Correct.

Nary: But there are different portions of that code. So, it may be best if we have a future departmental discussion on this nuisance code and, then, we can decide are we creating one major -- one rewrite or a -- only a partial rewrite.

Simison: I don't think any of this is time necessary immediately to move forward.

Nary: No.

Simison: Councilman Bernt.

Bernt: Yeah. Mr. Mayor, I completely agree. Like the Mayor mentioned earlier, for the first time ever in the history of, you know, him and I working together, we weren't at this planning meeting last week, we were at an all city meeting preparing for our all city meeting and so we were at a different meeting and so we weren't aware that these were put on the agenda until after it was published and so I do believe it's important to have a discussion regarding these ordinances prior to reading the ordinances. I think it's pretty important to hash out the details and to make -- you know, answer questions and have discussion. So, I would recommend putting these on a future workshop so that we can discuss further prior to reading of the -- of the ordinances. That would be my recommendation, going -- talking about these two ordinances and going forward as well.

Simison: Okay. Council, if it works for you all, then, we will schedule appropriate times -- come back and have greater information, walking through the proposed changes and discussions on what that means.

Nary: Mr. Mayor, just so I'm clear. On both the mailbox parking, as well as the nuisance code?

Simison: I think it doesn't hurt to do them all.

Nary: Okay. Thank you.

Simison: And we can -- we can put the mailbox one more rapidly, since that does have some more necessary emergency -- or I don't think emergency, but real life consequences.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question for Mr. Nary. Since these are action items, do we have to take action to do something with them?

Nary: So, yeah, we probably should put on the record at least what the direction is next,

which is to bring both of these items back as separate discussion items at a future meeting. I think that's -- that's adequate. As long as the consensus of the Council is to do that.

Hoaglund: Do we need that in a motion, Mr. Nary?

Nary: Yeah. I think to make the record clear, yes.

Hoaglund: Okay.

Simison: Do I have a motion as such, Mr. Hoaglund?

Hoaglund: Yes. Mr. Mayor, I would move that the ordinances under Items 2 and 3, Ordinance No. 21-1916 and Ordinance No. 21-1917 be withdrawn from tonight's agenda and brought back at a later date after further discussion.

Cavener: Second.

Simison: Okay. I have a motion and a second. Is there a discussion on the motion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it. We will bring these back in appropriate fashion over the coming week and/or month.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

FUTURE MEETING TOPICS

Simison: With that we have identified future meeting topics. Are there any other future meeting topics?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Not a topic, just -- I wanted to thank you and commend you. You heard from the city attorney about the work that has went on in the city over the past 11 months and I thought your e-mail that you sent to our employees that were kind of hopefully on the downhill slide and coming back to work in a somewhat normal fashion was really appropriate and I think it's a good opportunity for us to -- Mr. Nary's presentation was a good reminder to me that just to take a moment and thank you and all of our city employees for their ongoing flexibility. I can't think of a single frustration or complaint that I have heard from the public about operating with city services over the past 11 months and I know that doesn't happen by accident. That's as a result of your leadership and the buy in from our -- our employees. So, I just wanted to thank you and thank all of our employees for their great work over the past 11 months.

Simison: Well, thank you and you will get an opportunity to do that once again in eight

days for all the employees. So, with that do I have a motion?

Bernt: Mr. Mayor, one last thing.

Simison: Councilman Bernt.

Bernt: Just -- I don't want to get into a discussion, but I definitely wanted to make a comment in regard to current legislation that's -- that's on the table with regard to property taxes and so I encourage you -- every City Council Member that's sitting at the dais or home, you know, participating virtually to look through the proposed legislation and -- and -- and if you have concerns reach out to your legislative representatives and -- and also county commissioners as well and so I think it's extremely important that we all get involved. The development community is already involved. The realtors are involved. There is a lot of decision making bodies that are involved. This has a significant impact on not only our city, but all cities across Idaho. And so, again, I don't want to get into a discussion, but this committee hearing is scheduled for Thursday at 3:00 p.m. So, I think it's important that we rally up the troops and make sure that, you know, those who are sitting on the committee are heard from us and from others and -- and our legislators who represent us in the four districts, you know, that are in Meridian are also heard as well. So, that's what I wanted to say.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: It may be appropriate -- I will leave it up to you and the Council President to maybe have a reoccurring item on our workshop between now and the end of the legislative session, so we are noticing these types of conversations as appropriate and if we need to discuss things further or if there is an action that wants to -- needs to be made by the Council we have at least noticed it. I think Council Member Bernt brings up a lot of good points and I know in the past we used to have an agenda item where the Council discussed pending legislation and it may be worth at least exploring having that as a conversation topic for the next few weeks. I will leave it to you and the Council President to see if it's warranted and if not it's okay. But just a thought.

Simison: Thank you. With that --

Bernt: Point taken, Councilman Cavener.

Simison: With that do I have a motion?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move we adjourn.

Cavener: Second.

Simison: Okay. I have a motion and a second to adjourn. All in favor signify by saying aye. Opposed nay. The ayes have it. We are adjourned.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 7:05 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK